



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Frank David Serena

Serial No. : 09/507,967

Filed : February 22, 2000

Title : METHOD OF REPLACING CONTENT

Art Unit : 2781

Examiner : George Neurauter

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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SUPPLEMENTAL REPLY TO ACTION OF JANUARY 16, 2004

In reply to the Office action of January 16, 2004 and the advisory action dated May 16, 2004, applicant submits the following supplemental remarks.

The Examiner states in the advisory action:

“Methods of replacing content such as advertisements within content based on user input or preferences is known within the art. These methods are known in the context of customized internet web pages in which a standard web page including advertisements sent to any user who accesses the page is relied upon to create a custom page including customized advertisements tailored to a particular user based on their demographic or interest profile that is entered by a user or learned by monitoring a user's behavior.”

MPEP 2144.03 (C)(“Reliance on Common Knowledge in the Art or ‘Well Known’ Prior Art”) states:

“If Applicant Challenges a Factual Assertion as Not Properly Officially Noticed or not Properly Based Upon Common Knowledge, the Examiner Must Support the Finding with Adequate Evidence.”

Applicant respectfully traverses the Examiner's factual assertion, because applicant is unaware of any prior art that functions as described by the Examiner. For purposes of this traversal, applicant assumes that in the alleged prior art the standard web page is monitored to determine whether a predetermined advertisement is present in the standard web page, and if the standard web page includes the predetermined advertisement, the predetermined advertisement is removed from the standard web page and replaced in the standard web page with another

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predetermined advertisement based on the user input, since this is what the claims would require and what is absent from the Kurtzman patents.

Accordingly, because applicant has traversed the Examiner's finding, applicant submits under 2144.03 (C) that the Examiner must support his finding with adequate evidence (i.e., a publication or document describing the alleged prior art).

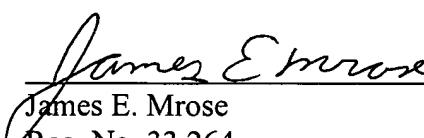
The prior art is, of course, replete with examples of selection of advertisements based on user input and incorporation of the selected advertisements into content to be received by a user. The Examiner has already relied upon three patents (Haitsuka and the two Kurtzman patents) that applicant has demonstrated function in precisely this manner.

Accordingly, applicant asks that the Examiner be very careful to cite a publication or document describing: monitoring content to determine whether it includes a predetermined advertisement, and if it includes the predetermined advertisement, removing the predetermined advertisement from the monitored content and replacing it in the monitored content with another predetermined advertisement based on the user input. It is this specific technique that provides the special advantages of applicant's invention such as the ability of a user to "boycott" specific undesired advertising.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 16, 2004

  
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